



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: BCW Engineering & Manufacturing

File: B-259015

Date: November 8, 1994

DECISION

BCW Engineering & Manufacturing protests the award of contract No. M62204-93-C-0025 by the United States Marine Corps.

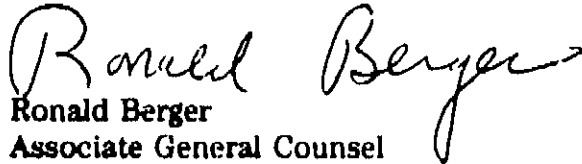
We dismiss the protest as untimely because it was filed more than 10 working days after the protester initially received actual or constructive knowledge of adverse agency action on its protest. Specifically, BCW filed an agency-level protest in April of 1993 to which the agency responded in May. The instant protest was not filed in our Office until October 17, 1994.

Our Bid Protest Regulations contain strict rules requiring timely submission of protests. Where a protest initially has been filed with a contracting activity, any subsequent protest to our Office, to be considered timely, must be filed within 10 working days of actual or constructive knowledge of initial adverse agency action. 4 C.F.R. § 21.2(a)(3). The term "adverse agency action" is defined in our Bid Protest Regulations as any action or inaction on the part of a contracting agency which is prejudicial to the position taken in a protest filed with the agency. 4 C.F.R. § 21.0(f); Consolidated Indus. Skills Corp., B-231669.2, July 15, 1988, 88-2 CPD ¶ 58.

BCW does not argue that its protest is timely, but instead requests that we consider the protest under the "significant issue" or "good cause" exception. These exceptions are strictly construed and rarely used in order to prevent our timeliness rules from becoming meaningless. Air Inc.-Request for Recon., E-238220.2, Jan. 29, 1990, 90-1 CPD ¶ 129. We limit the use of the "significant issue" exception to protests that raise issues of widespread procurement interest and which have not

been previously considered on the merits. See Eurometalli s.p.a.--Recon., B-250522.2, Apr. 15, 1993, 93-1 CPD ¶ 323. Good cause refers to a compelling reason beyond the protester's control that prevented it from filing a timely protest. Central Texas College, B 245233.5, Feb. 6, 1992, 92-1 CPD ¶ 151. Neither type of situation is present here.

The protest is dismissed.


Ronald Berger
Associate General Counsel